

General Government Committee

Linda Gorton-Vice Mayor
Steve Kay-At-Large
Chris Ford-1st District
Shevawn Akers-2nd District
Diane Lawless-3rd District
Julian Beard-4th District
Jennifer Scutchfield-7th District
George Myers-8th District
Harry Clarke-10th District
Ed Lane-12th District

Staff:
Jenifer Benningfield

AGENDA
GENERAL GOVERNMENT COMMITTEE
August 13, 2013
11:00am

- | | | | |
|----|---|---------------------------|---------|
| 1. | Approval of Summary | Steve Kay | (1-7) |
| 2. | Relationship with the BGADD
A review of Services & Programming
By-Laws Amendments
Food Mapping Project | Sally Hamilton/Beth Mills | (8-38) |
| 3. | Moving Human Resources Out of the Law
Department | Graham, Maxwell, Hamilton | (39-59) |
| 4. | Procedure for Underwriting or Sponsoring
One of Our Facilities or Parks | Geoff Reed/Roger Daman | (60-78) |
| 5. | Items in Committee | Steve Kay | (79) |

Future Committee Meetings

September 10th, 2013
October 1st, 2013
November 5th, 2013

"The General Government Committee, to which shall be referred matters relating to the general administration of government; The Department of Law; The Department of General Services; each department's respective divisions; and, any related partner agencies."



General Government Committee

June 4th, 2013

Summary and Motions

Chair Steve Kay called the meeting to order at 11:00am. Committee members present were Vice Mayor Linda Gorton, Julian Beard, Shevawn Akers, George Myers, Harry Clarke, and Jennifer Scutchfield. Committee members Ed Lane, Diane Lawless, and Chris Ford were absent.

1. Approval of Summary

Motion by Clarke to approve the summary. Seconded by Beard. Motion passed without dissent.

2. Relationship with Bluegrass Area Development District (BGADD)

Commissioner Beth Mills came to the podium and stated that the LFUCG should become a managing partner of the Central Kentucky Job Center. The Central Kentucky Job Centers are the one-stop system for workforce support in the 17-county Bluegrass Region. The centers bring together several different partner agencies to serve the economic and workforce development needs of a region.

Mills said that the one-stop shops are being renamed the Kentucky Career Centers. The Career Centers are designed to give job seekers and employers quick and easy access to necessary services. There are going to be monthly meetings, scheduled to begin in July, with the Bluegrass Workforce Investment Board (BGWIB), LFUCG Adult and Tenant Services, Bluegrass Community Technical College Adult Education, Kentucky Vocational Rehab, and the Three Rivers Native American program. The discussions will be more detailed. The BGWIB has a committee and Mills said she will be attending their meetings. Mills said that they are exploring the possibility of installing software kiosk to collect client user data in the Central Kentucky Job Center. She said that the "Path to Success" is the first Workforce Investment Act (WIA) grant that LFUCG received in four years. She said that she has reapplied for the grant for next year because of the tremendous success this year.

Mills said that she wants to continue to meet with community partners about entrepreneurial options. She will meet with community partners about micro lending opportunities. She wants to advertise and promote job fair opportunities and continue to work with employers and youth through the Summer Youth Employment Program.

Myers asked Mills what the next steps should be for underemployment and unemployment in Fayette County. Mills said that this partnership will look at who is hiring and what types of candidates they are getting.

Myers asked how the LFUCG can go out and examine the underemployed and unemployed. Mills said that she wants to collect that data and the group that will meet once a month will analyze that data.

Kay asked hiring ex-offenders. Mills said that Social Services has a need for Commercial Driver's Licenses' (CDL) but they would be driving children. The BGADD was willing to do the training but the LFUCG could not hire them.

Myers asked Hamilton to approach the podium. He said that he wants a comprehensive review of our involvement and programming with the BGADD. Hamilton said that she can absolutely provide that information at future meetings.

Hamilton said that Kevin Atkins represents the Mayor at those meetings so she will work with him on the programs and services.

Myers asked about changing the by-laws of the BGADD to make the Mayor a voting member. Hamilton said that she did not see any resistance and work with our Law Department to revise the by-laws.

Akers said that she likes the idea of collecting and analyzing the data.

Myers said that there may be challenges for the Commerce Lexington to lend to specific people. He said that he supports the micro-lending piece of this. Hamilton said that even if they could not loan the money, they may have staff to assist them in the search for money or to develop a business plan.

Hamilton said that we at least need to approach them and discuss this with them.

Kay mentioned Pennyrile and local food systems and said they will be working with BGADD to develop a mapping and data gathering system. At this point, they are not exactly clear what this entails. Kay wants us to be at the table with BGADD on this issue.

Kay said that there is an interest in getting an update at the August meeting on the by-laws, information on specific projects and how we will be engaged going forward. Hamilton was agreeable to this.

Clarke said that he has questioned our efforts on a regional basis. He thinks that it is important to think regionally in terms of economic development. Hamilton said that Atkins would be more versed than she on regional economic development efforts. Hamilton said that regional economic development may be a good topic for the Committee.

Clarke said that there is an opportunity to make Lexington the heart of this region.

Atkins came to the podium and said that they work through BGADD and Commerce Lexington to encourage regional priorities. He mentioned the Bluegrass Alliance and their periodic meetings.

Clarke said that he would like to attend the Bluegrass Alliance meetings and Atkins said Clarke was welcome to attend.

Beard said that we have lost numerous companies that would have moved here had we had the land at a better price. Beard said that we should never quit because of hurdles we have to jump through.

Atkins said that when it comes to regionalism, we have to look at different regions. He mentioned the Bluegrass Economic Advancement Movement (BEAM) initiative. He called the area a super region.

Scutchfield said that there seems to always be a hesitation to allow the legislature of Lexington-Fayette County to participate in the discussions about economic development. Atkins said that he has met with Gorton to discuss opportunities for the Council to participate in these discussions.

Scutchfield said that the group, collectively, should be working on this. Atkins said that it is important to get things in place before the state legislative session begins.

Myers asked for the dates for the DC fly in. Atkins said the dates are July 17 – 18, 2013. Atkins said that they do not have the issues set that they will present in Washington, DC. Atkins said that the document is evolving.

Myers asked him to include the Council on whatever it is that the LFUCG presents. Atkins said they have a approximately two weeks because the document has to be printed.

Myers said that the issues that the Administration and the Council agree on should be included in the letter. Atkins said that these should be Federal issues.

Kay said that it seems that the issue for Council is how the priority list gets compiled for Fayette County. Atkins said that Commerce Lexington will have priorities as well. Atkins said that he has asked Commissioner Derek Paulsen for priorities with transportation. He went on to say that all the Commissioners have been asked for their priorities.

Atkins said that the final document will have details and will be approved by the Regional Committee. Kay said that the Council would like the opportunity to weigh in on these priorities as well.

Akers said that she was unaware of this list and would like an update at the Economic Development Committee of the Whole (COW) or better communication between the Administration and the Council. Akers said that it would be helpful to know what the Administration feels is important to have on the economic development list.

Akers asked Atkins how BGADD, Commerce Lexington, and the Administration are working to encourage minority businesses.

Atkins said that he met with Gorton and Judy Taylor to determine how there can be better communication. He also mentioned the Minority Business Accelerator (MBA). Atkins said that Tyrone Tyra is the director of that program.

Akers asked if there are efforts to assist those who are underemployed. Atkins said that Commerce Lexington does do this. He mentioned Workforce Investment and Jubilee Jobs, a group focused on re-entry. Atkins said that he is focused on allowing anyone who wants to work the opportunity to work.

Gorton told Council Members that when she met with Atkins and Taylor, they discussed a legislative agenda for the State of Kentucky legislative session. Gorton said that years ago a group of people met to discuss a potential agenda for legislative sessions. Atkins suggested having a member of the Council on the working group.

Akers asked when the meeting with Gorton, Atkins, and Taylor occurred. Gorton said it was a personal meeting that she called. Gorton said that it was an effort to start a conversation.

Akers said that she wanted Atkins to know that Gorton was not representing the entire Council. Gorton said that she met with them because the issue had been brought up at the Council Retreat.

Myers asked Atkins how they will move forward. Atkins said that he will send the Council Members the policy statement from last year and the draft of the current year document. Atkins asked them to send him any Federal issues they may have. He said it would be up to the whole group to determine which issues are put on the list.

Myers asked if the Administration's priorities would already be put into the document. Atkins said they are not in the document yet. Atkins asked that they send him their issues by Friday. Myers asked for more time. Atkins said that Commerce Lexington puts the issues in the document and sends it to print and urged them to send the issues to him as soon as possible.

Atkins also said that the registration is open for the fly-in.

Beard urged more unity between the first and fifth floor.

Myers said that he does not think that the Council should have to pay for a Council Member to attend. Atkins said that Jamie Emmons, Jim Gray, and he are attending on behalf of the Administration.

Gorton said that registration is through Commerce Lexington. Atkins told Council Members to call Andi Johnson for additional information.

3. Procedure for Underwriting or Sponsoring One of Our Parks

Commissioner Geoff Reed came to the podium to present. He said that the presentation is an interim step to finalizing the new policy. CAO Sally Hamilton began the process when she was the Commissioner of General Services. Reed said that Roger Daman was going to give them a brief overview. He would like to come back to the Committee at the next meeting to present the final product.

Daman said one of the primary concerns originally expressed was what recognition is received for the donation given. He said that our current policy lacks an explanation of why citizens should give to enhance our parks, a statement regarding donors being treated with consistency and fairness, and specific recognition standards for varying degrees of donations. He went on to say that he reviewed policies from cities around the country and Kentucky Educational Television (KET) to formulate the draft.

Daman said that the draft was divided into two sections:

- Donation Guidelines: Overall guidelines for recognizing people and entities by the Division of Parks and Recreation.
- Naming Policy: Outlines policy for parks and facilities over \$50,000.

The highlights of the donation guidelines are as follows:

- Goals: Donations should improve the quality of our parks, and donors should be recognized, as well as be treated with fairness and consistency.
- Criteria: Donations should compliment the needs of a park or facility and be consistent with park plans, approved projects, or current usage.
- Recognition: Acknowledgement shall be appropriate to the individual park and in accordance with standardized giving levels.

Daman said that they have removed the Parks Advisory Board from much of the approval process with the exception of renaming as part of the naming policy.

Proposed Giving Level Standards are as follows:

- \$1,000 and under Letter of recognition
- \$1,000-\$2,500 Off-site recognition
- \$2,500-\$5,000 Temporary sign
- \$5,000-\$10,000 Integrated sign

- \$10,000 and above Plaque or permanent marker

Daman said that the Naming Policy applies only to park lands, features, or facilities with fair market value of \$50,000 or greater

Recognition Naming:

- Donated land - \$250,000 or greater, or at least 51% of the area of a particular park
- Donated features - \$100,000 or greater, or at least 51% of the feature construction or acquisition cost.

Beard asked about the \$50,000 fair market value of a park, feature, or facility. Daman said that the total value of the land, feature, or facility must be \$50,000. Beard said that if he wrote a check for \$1,000, he would like more than a letter or recognition.

Scutchfield asked about the non-profits that work with the Division of Parks and Recreation. Daman said that there is a section that deals with partner organizations and adoption programs. Daman said that it is on pages 4-5 of the draft.

Myers asked if the approval process for naming was outlined in the draft policy. Daman said yes. Myers said that he did a Council Comment a few months ago and during his Council Comment segment, a company that we had received a donation from for an amenity in one of our parks had a commercial that aired. Myers said that he was stunned. Myers said that the dollar amount given by that company was \$10,000-\$15,000. Someone at GTV3 said that the company was given that advertising space with their donation.

Myers said that he wants the policies to be clear. He mentioned that there was a company that gave \$750,000 towards a pavilion downtown and he is concerned that we are lowering the standards if we are applying the naming policy to park lands, features, or facilities donating \$250,000 for land or \$100,000 for a feature.

Myers said that he needs this document to go outside and raise funds for Friends of the Skatepark. He asked Daman to speak to the decision to make \$250,000 the minimum.

Daman said that these standards came from Eugene, Oregon.

Myers asked if the policy allows the LFUCG the flexibility to go out and negotiate with companies. Daman said that the draft (pages 7-8) allows for a process, but said that the draft can be revised. Myers suggested that if a company wants to name something, they have to have a higher percentage of what that would cost. Daman said that there were numerous other cities that used the 51% standard.

Reed said that we need to do more to solicit donations. Reed said that we need to tap larger donors. Reed urged flexibility.

Myers said that he does not think 51% is a high enough percentage to get naming rights. Reed agreed to look at this. CAO Hamilton came to the podium and agreed. Hamilton said that this policy sets the standard for our staff to solicit donations. Hamilton said that she does not want it to be arbitrary.

Myers suggested changing the percentage to 75%.

Gorton said that she thought the draft was a good start. Gorton recommended that the first giving level standard should read "up to \$1000."

Daman said that the levels can be raised based on future discussions.

Gorton also asked about partner organizations. Gorton said that Friends of the Dog Park has donated over \$100,000. Gorton asked if the policy addresses the companies that give money over time or just companies that give a one-time donation.

Daman said that those agreements and projects that last for multiple years are separate from this document. Daman said that those agreements have specific clauses. Daman said in other cities, these policies were not set up to change existing partnerships or agreements.

Gorton said that in her experience, the partner organizations paying the vendors directly seems to work best. Daman said that the paying of the contractor is not specifically addressed. Gorton said it is much quicker for the partner organization to pay the contractor directly than to pay through the LFUCG.

Akers asked Daman to include in-kind donations or volunteer labor in exchange for recognition. Akers also suggested delineating between new construction or features, and existing construction or features.

Akers asked if there will be a staff person within Parks and Recreation to solicit potential donors. Daman said that it could be done multiple ways. Daman said that once the policy is in place, anyone at the LFUCG could go out and solicit donations.

Beard asked about renaming. Daman said that there will be a policy in place to do so. Beard mentioned the Picadome Golf Course and said it is now called Gay Brewer Jr. Course. Daman said that page seven mentions the policy to rename a park. It would go through the Parks Advisory Board and then come to Council for approval.

Myers asked if a third bullet to talk about naming for the sake of renaming would be appropriate and that he wants to have further discussions on what it would cost to rename a park in someone's name.

Gorton asked about the policy already in place to name a park after a deceased person. Daman said that this document is separate from the current naming policy. Gorton asked if the currently policy would be completely replaced. Daman said that the Council would make that decision. Gorton said if we are going to replace the current policy, she wants to incorporate the deceased person naming policy. Gorton asked for a copy of the policy within the Division of Parks and Recreation for deceased persons.

Kay referenced page four and asked for clarification. Daman said separate agreements can be drafted amongst the parties and they may or may not fall under this policy. Daman said that current agreements should not be trumped by a new revised policy.

Kay wants a provision added for donations given over a period of time. Kay asked Daman if it would be appropriate to change "may" to "shall" in the last sentence on page eight.

Akers said that she wants them to be cognizant of projects like Rupp Arena and other downtown projects and said that she does not want to set a precedent for inexpensive naming rights.

4. Items in Committee

Kay asked Reed and Daman to return in August with a redraft of the policy.

Kay suggested cancelling the July 2, 2013 meeting.

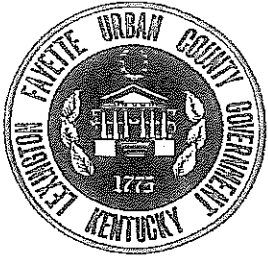
Gorton asked about her motion to put clothing boxes into committee. Paul Schoninger will check to see which committee it was referred to.

DRAFT

Motion by Akers to cancel the July 2, 2013 meeting. Seconded by Gorton. Motion passed without dissent.

Motion by Clarke to adjourn. Seconded by Beard. Motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist



Lexington-Fayette Urban County Council

✓ TO: George Myers, Councilmember
8th District

Steve Kay, Chair General Government Committee
Councilmember-At-Large

FROM: Paul Schöninger
Research Analyst

DATE: August 5, 2013

SUBJECT: Relationship between Lexington and the BGADD

This is pursuant to your recent request for information pertaining to the issue of the Relationship between Lexington and the Bluegrass Area Development District (BGADD).

As you may recall I provided you a similar memo May 2012. The earlier memo emphasized that for Lexington to influence the governance of the BGADD we need to do a far better job interacting and participating within the BGADD decision making process. For the most part that earlier memo is still valid.

As background for this memo I interviewed David Duttlinger, interim Executive Director of the BGADD.

The Bluegrass Area Development is one of 15 Area Development Districts in Kentucky. The ADDs were established by the Kentucky General Assembly in 1972. They were designed to be a regional support entity to cities and counties within their boundaries. They provide technical support, regional planning services, grant writing, human services, economic development assistance and a variety of other areas of support. Lexington has also outsourced a substantial amount of GIS support to the BGADD primarily for consent decree activities. The BGADD is also the fiscal and administrative agent for the Bluegrass Workforce Investment Board. BGADD is also participating in a state wide food mapping project that is being organized by the Kentucky Council of Area Development Districts. (Food Mapping Project information attached).

You requested information about the issue of the BGADD by-laws. As you know the Administration is interested in amending the by-laws to allow the Mayor to appoint one of his staff as a voting member of the Board. Under Article III, Section 1 B. provides that the Mayor may appoint a designee but that designee must be a member of the City Council. Therefore an alternative to amending the by-laws already exists. There is also a precedent to

Steve Kay & George Myers

DATE

Page Two

have a Councilmember designated on the BGADD Board. During the Miller Administration, on

occasion Vice Mayor Yates was designated as the Mayor's proxy when she was unable to attend Board meetings. (By-laws attached)

The other area where we could improve our relationship with the BGADD involves its numerous advisory committees. The advisory committees counsel the Board and the Executive Board on varied policy issues.

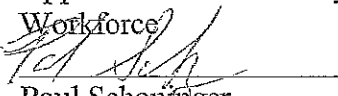
Lexington has not fully participated in the committee structure as we have several vacancies on the committee, allocated to Fayette County. The Committees include the Water Management Council, Conference of Mayors, Regional Planning Council, Development Advisory Committee, Homeland Security Council, Natural Resources & Environmental Protection Advisory Committee, Regional Transportation Committee, and Tourism, Historic Preservation & Recreational Advisory Committee. Lexington should take advantage of this opportunity and nominate a full slate of members when possible.

Due to the recent change of management Lexington may also want to examine its relationship with the BGWIB. Lexington may be able to take a more active role in the WIB activities and management. The increased input would benefit Fayette County citizens and our business community by improving workforce skills.

Should you need any further information please do not hesitate to contact via e mail at paulas@lexingtonky.gov, or at 258.3208.

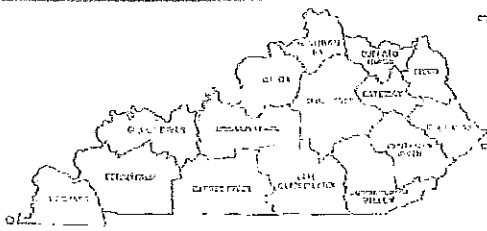
Appointments to advisory committees

Workforce


Paul Schominger

Research Analyst

c: Leah Boggs
Elizabeth Chatterton
Jenifer Benningfield



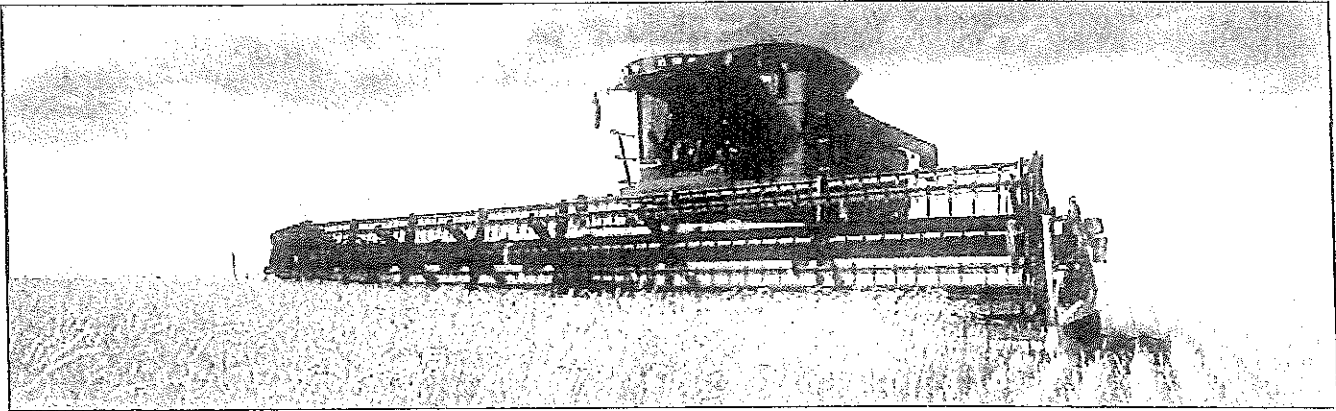
KADIS

Kentucky Agricultural Development Information System

Serving the Commonwealth of Kentucky

FEBRUARY 2013

PROPOSAL



The development of a dynamic statewide, all inclusive GIS based database of Kentucky Agricultural assets to include, but not be limited to, resources relating to: infrastructure, environmental, sites, buildings, land use, processing, aggregation, technological, cultural, local food, and disaster vulnerability.

Vision

County-specific datasets could include the mapping and cataloging of:

- | | |
|---|---|
| ♦ Sites/Buildings suitable for Agricultural Businesses and Industry | ♦ Soils data |
| ♦ Existing Ag businesses and facilities | ♦ Disaster prone facilities, crop loss data, etc. |
| ♦ Agricultural friendly land use regulations | ♦ Kentucky Proud facilities, farmers markets, organic producers, etc. |
| ♦ Bio-Energy resources | ♦ Produce and local food resources |
| ♦ All distribution/aggregation facilities in a county | ♦ Livestock resources |
| ♦ Land uses including prime farmland, environmentally sensitive and protected areas, etc. | ♦ Workforce Development/Technical training resources and programs |
| ♦ Crop production information | ♦ Broadband coverage |
| ♦ Transportation resources (rail, ports, etc.) | ♦ Linkages to other resources such as water, sewer, etc. |

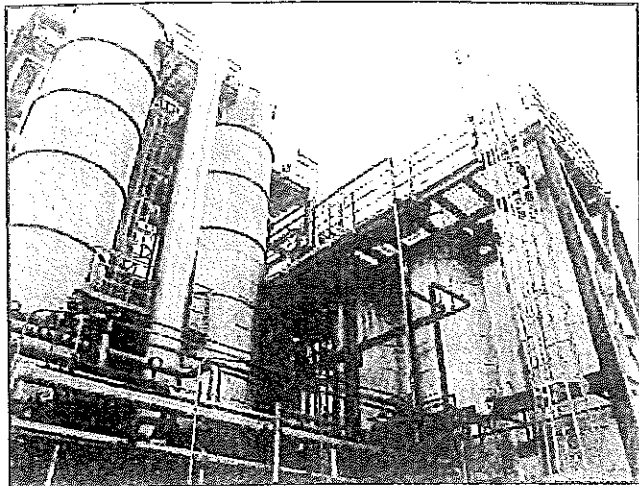
Partners

This proposed partnership between the Kentucky Department of Agriculture, the Governor's Office of Agricultural Policy, the US Economic Development Administration and the Kentucky Area Development Districts will endeavor to link together all organizations, institutions, agencies, and individuals seeking to promote and develop the agricultural sector of the Kentucky economy. This process will be designed to allow all partners to have input.

Partners to be involved at the county level would include:

- ♦ County/City Officials (Mayors, Judge-Executive, etc.)
- ♦ Local Ag leaders/organizations
- ♦ UK Extension Agent(s)
- ♦ University personnel
- ♦ Economic Development Professionals
- ♦ Chambers of Commerce





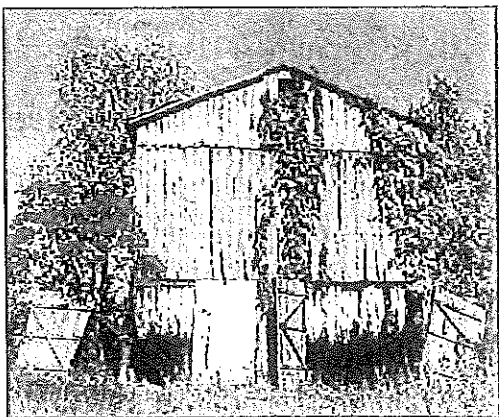
This project will be guided by partners and working groups at the state, regional, and county level. It is anticipated that at project "kick-off" the Kentucky Department of Agriculture, the Governor's Office of Agricultural Policy, and the Area Development Districts will meet to select a statewide working group to guide the ADDs to the datasets, assets, and specific targets to be pursued. The next step would entail the ADDs going to each county and collaborating with the partners mentioned above to begin gathering the data county by county. There will be regular updates and information sharing between the ADD staff and the local interests to ensure the accurate and relevancy of the data being collected.

Process

The ADDs have an extensive history of working on projects of this nature with various agencies and datasets. Recent examples are the Kentucky Transportation Cabinet, the Kentucky Infrastructure Authority, and many local mapping projects.

Timeframe

Once funding agreements are signed, the project will commence. It is anticipated that the initial stage of the project will be approximately 18 months.

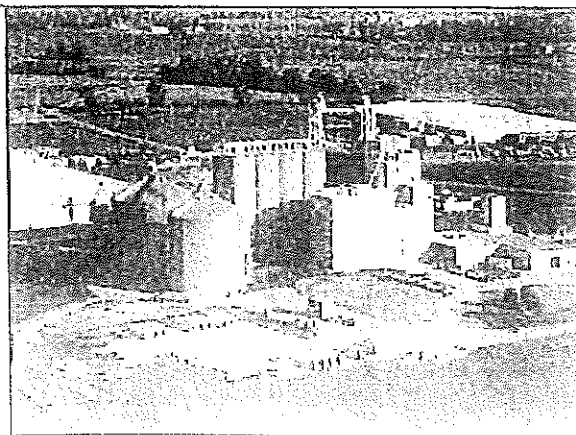


Product

The final product will be a world-class, all-inclusive spatial/non-spatial Geographic Information System of all agricultural resources and assets throughout the Commonwealth of Kentucky. It will be a dynamic, web-based GIS driven and easily updated system with emphasis on linkages and integrating toward future projects and planning. The system will be accessible by all partners for utilization in the ongoing efforts to develop the agricultural economy of Kentucky. The data collected will be uploaded and housed on a common server such as the Kentucky Office of Geographic Information or other mutually acceptable location.

Future

As with any data and interactive database, this project would be ongoing in nature. There must be sustainability and regular updates and modifications as the agricultural sector grows and evolves. The ADDs will keep the information updated for an agreed upon period of time beyond project completion. The ADDS will also incorporate all data and information into their regional Comprehensive Economic Development Strategy processes.



BY-LAWS BLUEGRASS AREA DEVELOPMENT DISTRICT, INCORPORATED

ARTICLE I NAME, AREA, AND PURPOSE

Section 1: Name

This organization shall be known as the Bluegrass Area Development District, Inc., (hereinafter called the ADD) a non-profit corporation duly incorporated and existing under and by virtue of the laws of the Commonwealth of Kentucky.

Section 2: Area

The area comprising the Bluegrass Area Development District shall include the counties of Anderson, Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott, and Woodford Counties (hereinafter called the Area).

Section 3: Purpose

The primary purpose of the ADD shall be to plan, promote, and encourage the comprehensive development of the Area's resources including but not limited to community services, transportation, health, education, human and natural resources.

ARTICLE II MEMBERSHIP

Section 1: Membership

Membership in this organization shall consist of such persons or organizations of the Area who are interested in and are willing to give of their time and talents to promote the objectives and purposes of the ADD. Any resident of the area, 18 years of age or older, can participate as a member of the ADD upon expressing a desire to participate, establishing an attendance record by attending two (2) consecutive meetings, and having actively demonstrated an interest in comprehensive development of the Area in furtherance of Article I, Section 3.

Section 2: Function

The membership of the Bluegrass Area Development District shall be kept as broadly based as feasible. It shall function in an advisory open forum capacity. The District membership may suggest to the Board of Directors certain policies, programs, areas of opportunity, and ideas pertaining to the comprehensive development of the Area. Members of the Development District may become

members of and serve on committees for study, consultations, and recommendations to the Board of Directors and/or Executive Committee.

Section 3: Member Representation

It shall be an objective of the ADD to maintain as broadly based a membership as possible. To attain this objective it shall be the responsibility of the members of the Board of Directors to encourage, solicit, and request the attendance and participation of persons from all segments of their community's society and economy.

Section 4: Voting Membership

Each person who meets qualifications of a member as set forth in Article II, Section 1, shall be entitled to one vote on any matter brought before the Membership but not before the Board of Directors. If the credentials of any person are questioned, the Membership shall determine by majority vote the right of that person to vote.

Section 5: Ex-Officio Members (Non-voting)

Representatives of Federal, State or private agencies or organizations who express a desire or interest to participate in a technical and/or advisory capacity to the general membership and/or the Board of Directors and/or the Executive Committee shall be encouraged to participate as ex-officio and non-voting members. All Area resource workers will be involved and encouraged to participate. Any and all staff members employed by the Development District will also serve in this capacity.

Section 6: Official Register of Membership

The Secretary of the Board of Directors or his/her designee shall keep the Official Register of all voting members and Ex-Officio members.

ARTICLE III BOARD OF DIRECTORS

Section 1: Composition of the Board of Directors

The Board of Directors shall be the governing and policy-making body of the ADD. The Board of Directors shall total seventy-five (75) persons and shall be composed of or elected as follows:

- A. The County Judge/Executive of each county or his/her designee. (The designee shall be a member of the Fiscal Court and his/her votes and commitments shall be binding upon the official he or she represents.)
- B. The Mayor or his/her designee from each of the participating counties. In counties where there exists a first, second, or third class city as well as other cities of lower class designation, the Mayor of the first, second or

third class city and a Mayor of one other city or their designee shall be represented on the Board. (The designee shall be a member of the city commission/council and his/her votes and commitments shall be binding upon the official he or she represents). All remaining Mayors in the Area not elected to the Board of Directors may serve as Ex-Officio members without the right to vote or hold office on the Board.

C. Thirty-seven (37) citizen directors who will be representative of the diverse social and economic interests of the Area including, but not limited to:

1. Agriculture
2. Chambers of Commerce
3. Civic Organizations
4. Clergy or religious groups
5. Community development associations
6. Homemakers or consumer groups
7. Insurance, banking, finance
8. Labor organizations
9. Land developers, real estate
10. Legal, Architectural, Engineering, and Planning Professions
11. Manufacturing
12. Medical
13. Minority groups
14. Poor, unemployed, underemployed
15. Printed and electronic news media
16. Public or private school systems
17. Transportation
18. Utilities
19. Wholesale and Retail Commerce
20. Youth organizations
21. Women

Of the thirty-seven (37) citizen directors, three (3) shall be at-large directors.

D. The Board Directors consisting of the Mayors and the County Judge/Executive shall nominate and accept nominees from the above groups. At the Annual Meeting the Board Directors by majority vote shall elect from the nominee's, citizen directors and at-large directors, in so doing, they shall assure a desirable mix of socioeconomic interest and proper geographic distribution according to Article I, Section 2. The Nominating Committee shall be responsible for the nomination of the three (3) At-Large Directors.

E. Because the involvement of the citizens of economic and racial discrimination relate directly to the effectiveness of the ADD in attaining

its purpose in Article I, Section 3, there shall be representation of the poor, unemployed, or underemployed and representation of the interests of the minority sector of the society.

- F. The Chair of each functional advisory committee must be a member of the Board of Directors (see Article III, Section 1).
- G. Appointments of all above named designees shall be made in writing.
- H. The Administrative Review and Finance Committee may nominate as many non-voting Director Emeritus positions as they feel warranted. Once nominated, a motion to seat the nominee shall be made and a vote taken at the next meeting of the Board of Directors.

Section 2: Geographic Distribution of Directors

Each county shall have a least two (2) public officials and two (2) citizen members on the ADD Board.

Section 3: Term of Office

In the case of public officials - Mayor and County Judge/Executives - the terms of office as Directors on the ADD Board shall coincide with their elective term of office.

Citizen Directors shall serve terms of three (3) years to expire at the annual meeting of the Board of Directors.

At-Large Directors shall serve terms of one (1) year to expire at the annual meeting of the Board of Directors.

Properly seated Director Emeritus positions shall serve an indefinite term.

Section 4: Powers and Duties of the Board of Directors

The Board of Directors shall regulate and supervise the management and operation of the Development District. It shall attend to arrangements for carrying on the operation in a businesslike manner. The Board of Directors shall have the responsibility of developing policies under which the Development District shall function. All policies accepted by the Board of Directors shall be prepared in written form and communicated to the Development District membership.

Section 5: Removal of Directors

Any Director may be removed at any time, for cause, by a simple 2/3 majority vote of the Board of Directors provided he or she has been notified at least thirty (30) days in advance of such action. Notification must specify cause and date, time, and place of pending action and must be delivered by registered mail. Removal may be initiated by any Director. Cause for removal is deemed to include:

- A. Direct conflict of interest.
- B. Violation of law applicable to this organization.

C. Conduct unbecoming a Director of this organization or prejudicial to its purpose in Article I, Section 3, hereinabove, or

D. Failure to attend two (2) consecutive meetings.

Section 6: Filling of Vacancies

Any vacancy of a Mayor or Judge/Executive designee shall be filled by appointment of the relevant Judge/Executive or Mayor. If the Director is a Judge/Executive or Mayor, his/her legally appointed or elected successor shall replace him/her on the Board. In the event that less than one hundred twenty (120) days remain in the term of office vacated, the remaining term may be left vacant.

ARTICLE IV BOARD OF DIRECTORS MEETING

Section 1: Annual Meeting

The Annual Meeting of the Board shall be conducted once a year at a date, time and place designated by the Executive Committee.

Section 2: Regular Meetings

Meetings of the Board of Directors shall be scheduled and such meetings shall be held quarterly at such a date, time, and place in the District as prescribed by the notice of said meeting, with the Annual Meeting counting as one of these regular meetings. At all properly called Board meetings, a simple majority of all Directors, including one officer present, shall be necessary to constitute a quorum to transact business, but any lesser number shall be sufficient to adjourn a meeting. If a vacancy occurs for any reason, the remaining Directors shall be the basis for determining a quorum.

Section 3: Special Meetings

Special meetings of the Board of Directors shall be held on the call of the Chair of the Board or any fifteen (15) members of the Board. The time, place, date, and purpose of said Special Meetings shall be as designated by the notice of said meeting and said notice shall be given by first class mail at least forty-eight (48) hours prior to the meeting.

Section 4: Notice Requirement

Notice of the Annual Meeting and other Regular Meetings shall be mailed to each Director not less than five (5) days prior to the meeting. This notice shall be sent by the Board Chair, Secretary, or staff by first class mail to the address appearing on the Official Register and said act shall be deemed as compliance with the notice requirement.

Section 5: Attendance Requirement

Any Director missing two (2) consecutive meetings shall be contacted by the Chair of the Board or a person or committee appointed by the Chair and they shall determine the reason for his/her absence and his/her intention to continue his/her activities on the Board. A report shall be given to the Board of Directors at their Regular Meeting or Special Meeting at which time the Board may declare a vacancy and, if a vacancy is declared, then the procedure as outlined heretofore in filling vacancies shall be in effect.

ARTICLE V EXECUTIVE COMMITTEE

Section 1: Composition of the Executive Committee

The Chair of the Board shall appoint the directors of the Executive Committee with the approval of the Board of Directors. The Executive Committee shall have full power of the Board of Directors and shall carryout the policies of the Board of Directors and direct the activities of the Executive Director and the staff of the ADD. The Executive Committee shall total seventeen (17) persons and shall be composed as follows:

- A. The Officers of the Board of Directors shall serve as Officers of the Executive Committee and constitute four (4) of the seventeen (17) directors of the Executive Committee.
- B. The Executive Committee shall be composed of nine (9) elected officials and eight (8) citizen board directors.
- C. Term of office of directors of the Executive Committee shall coincide with directorship on the Board of Directors as provided in Article III, Section 3. The Executive Committee shall have one and only one director from each of the seventeen counties of the Area and shall be chosen from the directors of the Board of Directors.
- D. A quorum of the Executive Committee shall consist of nine (9) directors, including at least one (1) Officer, to transact business, but a lesser number shall be sufficient to adjourn a meeting.

Section 2: Responsibilities of the Executive Committee

The purpose of the Executive Committee is to provide the Board of Directors with orderly management of routine business. It shall be within the Executive Committee's authority and power to oversee and/or conduct the normal and recurring business of the Board including approval of the payment of: authorized staff salaries, official travel expense, expenditures for office supplies and materials, telephone and utility bills, rent payment-if any, authorized employee insurance and retirement benefit premium, withholding taxes. Payments which have not

received prior approval shall be considered for post approval by the Executive Committee. Expenditures not generally covered by the items listed above shall require prior authorization for payment by the Executive Committee. The Executive Committee shall furnish the Board of Directors a quarterly and annual financial statement and they shall see that the Annual Audit or other audits are completed as required by these By-laws and/or Board directive. The Executive Committee shall have other powers and duties as may be specified by the Board of Directors.

Section 3: Regular Meetings

Regular meetings of the Executive Committee shall be scheduled and such meetings shall be held at 7:00 p.m. on the fourth Wednesday of each month or at such date, time, and place in the District as prescribed by the notice of said meetings.

Section 4: Special Meetings

Special Meetings of the Executive Committee will be held on the call of the Chair or nine (9) directors of the Executive Committee. The time, place, date, and purpose of said Special Meeting shall be as designated by the notice of said meeting and said notice shall be given by first class mail at least forty-eight (48) hours prior to the meeting. Depositing such notice, duly stamped, sent first class mail, and addressed to a Director at his address recorded on the Official Register shall be deemed as compliance with the notice requirements.

Section 5: Notice Requirement

Notice of Executive Committee Meetings shall be mailed to each Director not less than five (5) days prior to the meeting. This notice shall be sent by first class mail to the address appearing on the Official Register and said act shall be deemed as compliance with the notice requirement.

Section 6: Attendance Requirement

Any Director missing three (3) consecutive meetings shall be contacted by the Chair of the Board or a person or committee appointed by the Chair and they shall determine the reason for his/her absence and his/her intention to continue his/her activities on the Executive Committee. A report shall be given the Board of Directors at their Regular Meeting or Special Meeting at which time the Board may declare a vacancy and, if a vacancy is declared, then the procedure as outline heretofore in filling vacancies shall be in effect.

ARTICLE VI

OFFICERS

Section 1: Officers of the Board

The Officers of the Board of Directors shall be a Chair of the Board, Vice-Chair of the Board, Secretary, Treasurer, and such other officers as the Board of Directors may deem advisable. Officers of the Board shall also serve as Officers of the membership and the Executive Committee. The Officers may serve as Ex-Officio members of the Functional Advisory Committees.

Section 2: Election of Officers and Term of Office

The Officers shall be elected by the Board of Directors at their Annual meeting and they shall hold office for one (1) year or until their successors have been elected and qualified; however, if the Board of Directors shall decide to name another officer in accordance with its privileges outlined heretofore in the By-Laws, the Board of Directors may provide when and for what term he/she shall be elected. In the event of a vacancy occurring during the period for which an officer has been elected, the Board shall fill such a vacancy at the next Regular Meeting or sooner at a Special Meeting of the Board of Directors. Any officer elected or appointed by the Board may succeed themselves in office, not to exceed more than two (2) successive terms.

Section 3: Removal of an Officer

An officer or administrative or professional employee of the Executive Committee may be removed for inefficiency, malfeasance, or conflict of interest at any time by the majority vote of the entire directorship of the Board of Directors provided that written charges are submitted to him/her within thirty (30) days prior to such action and they be given a chance to plead their case. The person so removed shall have a right of appeal to the Circuit Court.

Section 4: Eligibility of Officers

Any Director of the Board shall be eligible to hold office. A majority of officers shall be elected officials.

Section 5: Expenses

Payment of expenses of the Officers and of the Directors shall be determined and subject to authorization by the Executive Committee.

ARTICLE VII

DUTIES OF THE OFFICERS

Section 1: Chair of the Board

The Chair shall be the chief executive of the Board of Directors and the Executive Committee. He/she shall preside at all meetings of the Directors. He/she

shall have general and active management of the business of the Board and shall see that all order, policies, and resolutions of the Board of Directors are carried into effect. He/she shall also perform other duties as may from time to time be delegated to him by the Board.

Section 2: Vice-Chair of the Board

The Vice-Chair shall preside at meetings of the Board of Directors or the Executive Committee in the event of the Chair's absence, or inability to perform his duties. He/she shall also perform duties as may from time to time be delegated to him by the Chair of the Board.

Section 3: Secretary of the Board

The Secretary shall keep the records of the Board of Directors and Executive Committee, the minutes of the meetings of the Boards, and the Official Register of the membership, the Board of Directors, and the Executive Committee. The Secretary shall notify officers, committees, and delegates of their elections and appointments. He/she shall read the minutes of each business session. The Secretary may delegate any and all of these duties to a member of the staff if he/she so desires; however, such delegation does not relieve the Secretary of his/her responsibilities. He/she shall also perform duties as may from time to time be delegated by the Board.

Section 4: Treasurer of the Board

The Treasurer shall be the custodian of all monies and securities of the ADD and shall provide for the accurate keeping of regular books of account of ADD funds and properties. The Treasurer may delegate any and all of these duties to a member of the staff if he/she so desires; however, such delegation does not relieve the Treasurer of his/her responsibilities. He/She shall also perform duties as may from time to time be delegated to him/her by the Board.

Section 5: Administrative Officers and Staff

The Executive Committee may employ personnel and contract with other persons as it deems necessary to carry out the goals, objectives, programs, and duties assigned to it by virtue of these By-Laws, Charter, and the Laws of the Commonwealth of Kentucky. The Chief Administrative Officer shall be the Executive Director who shall be appointed by the Board to administer, direct, implement, and otherwise carry out the functions and duties of this organization. The Executive Director will implement the policies and programs of the Board and shall recommend to the Board on such matters as budget, staff policies and appointments, programs, contracts, studies, organization, and other such matters of direct concern to the Board. The Executive Director shall also serve as an ex-officio member of all functional advisory committees of the Board. Other administrative and/or professional level employees of the Board as well as paraprofessionals and support employees shall be under the direct supervision of and responsible to the Executive Director. The Executive Committee with the advice of the Executive

Director shall adopt work rules and policies to govern the staff operations and functions.

ARTICLE VIII COMMITTEES

Section 1: Functional Advisory Committees

A. Committees Authorized; Meetings

The Board of Directors shall function normally through the reports and recommendations of its Functional Advisory Committees which shall include, but not be limited to: Development Advisory Committee; Bluegrass Regional Human Services Council; Natural Resources and Environmental Protection Advisory Committee; Tourism, Historic Preservation and Recreation Advisory Committee; Character Council; and Homeland Security.

The Committee shall conduct business at least once every quarterly at a place, time and date designated by advance notice as determined by each Committee.

B. Committee Membership

The Board of Directors shall by majority vote appoint all members of Functional Advisory Committees. Nominations for those members representing a specific geographic area shall be made by Board of Directors members representing that area. Notices of vacancies in Committee membership shall be sent to the Board of Directors members representing the area in which the vacancy exists. Should there be no response from these Board members within thirty (30) days; the Committee may nominate persons for membership. Membership on each Functional Advisory Committee shall be composed of Directors and those persons from the area who are willing to serve and contribute to the purpose of the ADD.

C. Committee Composition

Each Committee shall have a Chair, Vice-Chair and other such officers as deemed necessary by the Committee. The Chair of each Committee shall be a director on the Board of Directors, appointed by the Chair of the Board, with the consent of the Executive Committee. Other officers of each committee shall be chosen by the members of that Committee. Membership on each committee shall total at least seventeen (17) members with all participating counties in the District as well as interest groups being represented.

At-large voting members (not to exceed 10) may be included on the Committee to represent a wide cross-section of interests. At-large members may be nominated by other Committee members or any member of the Board of Directors.

D. Committee By-Laws

All Functional Advisory Committees shall operate under By-Laws to be approved by the Executive Committee.

E. Committee Actions

Recommendations and other actions of functional advisory committees established under this Article are not binding on the Board of Directors until adopted by that body or the Executive Committee.

Section 2: Bluegrass Regional Planning Council**A. Council Purpose**

The Bluegrass Regional Planning Council shall act in an advisory capacity on land use matters throughout the district as established by KRS 147A.125. To insure compatible treatment of planned development throughout the district, the council may review comprehensive plans of planning units within the district for regional impact, may develop regional transportation, infrastructure, and land use plans for the district, and may make recommendations regarding the regional impact of proposed comprehensive plans and plan amendments of planning units within the district.

B. Council Composition

The Bluegrass Regional Planning Council shall be composed of one (1) representative from each planning unit in the district. Each representative shall be appointed annually by the planning commission of each planning unit in the district. To be eligible for appointment to the council, a person shall be a member of the planning commission, or the planning commission's professional staff. At its first regular meeting in each year, the council shall elect from its membership a president and vice president. The vice president shall have the authority to act as president of the council during the absence or disability of the president.

C. Council Meetings

The Bluegrass Regional Planning Council shall meet at the call of the president, but at least quarterly in each year.

D. Council By-Laws

The Bluegrass Regional Planning Council shall adopt by-laws and then have them accepted by the Bluegrass Executive Committee.

E. Council Actions

Recommendations and other actions of the Bluegrass Regional Planning Council are not binding on the Board of Directors until adopted by that body or the Executive Committee.

Section 3: Bluegrass Regional Transportation Committee**A. Committee Purpose**

The Bluegrass Regional Transportation Committee shall consult, solicit input, develop regional goals and direction, identify and review regional transportation needs, provide transportation information/updates, and address any other transportation issues in the region. The committee shall function as required by the Kentucky Transportation Cabinet Annual Work Plan for the Bluegrass ADD.

B. Committee Composition

The Bluegrass Regional Transportation Committee shall have a broad-based membership as required in the Kentucky Transportation Cabinet Annual Work Plan for the Bluegrass ADD. The ADD Chair shall name the committee Chair and Vice Chair.

C. Committee Meetings

The Bluegrass Regional Transportation Committee shall meet as required by the Kentucky Transportation Cabinet Annual Work Plan for the Bluegrass ADD.

D. Committee By-Laws

The Bluegrass Regional Transportation Committee shall adopt by-laws and then have them accepted by the Bluegrass Executive Committee.

E. Committee Actions

Recommendations and other actions of the Bluegrass Regional Transportation Committee are not binding on the Board of Directors until adopted by that body or the Executive Committee.

Section 4: Bluegrass Area Agency on Aging Advisory Council

A. Council Purpose

The Bluegrass Area Agency on Aging Advisory Council shall carry out advisory functions which further the area agency on aging's mission of developing and coordinating community-based systems of services for older persons in the planning and service area. The council shall advise the area agency on aging relative to developing and administering the area plan, conducting public hearings, representing the interest of older persons; and reviewing and commenting on community policies, programs and actions which affect older persons with the intent of assuring maximum coordination and responsiveness to older persons. The committee shall function as required by the the Older Americans Act of 1965 as amended and 910 KAR 1:220.

B. Council Composition

The Bluegrass Area Agency on Aging Advisory Council shall include individuals and representatives of community organizations who shall help to enhance the leadership role of the area agency on aging in developing community based systems of services. Council members are appointed by the county advisory councils from each county within the area. The ADD Chair shall name the committee Chair. Other officers are elected by the council at it's January meeting.

C. Council Meetings

The Bluegrass Area Agency on Aging Advisory Council shall meet as required but no less than six (6) times per year.

D. Council By-Laws

The Bluegrass Area Agency on Aging Advisory Council shall adopt by-laws and then have them accepted by the Bluegrass Executive Committee.

E. Council Actions

Recommendations and other actions of the Bluegrass Area Agency on Aging Advisory Council are not binding on the Board of Directors until adopted by that body or the Executive Committee.

Section 5: Bluegrass Workforce Investment Board

A. Board Purpose

The Bluegrass Workforce Investment Board shall develop and implement an innovative business driven system of workforce partnerships in the Bluegrass that enables businesses and individuals to become productive and profitable. The Board shall function as required by the Workforce Investment Act of 1998 as amended.

B. Board Composition

The Bluegrass Workforce Investment Board shall have a broad-based membership as required by the Workforce Investment Act of 1998 as amended. Members shall be nominated by the elected officials within the region. The Bluegrass ADD Chair shall appoint two (2) directors from the Bluegrass ADD Board to serve on the WIB. A simple majority shall represent the private sector. The officers shall be elected by the Workforce Investment Board at it's July meeting.

C. Board Meetings

The Bluegrass Workforce Investment Board shall meet quarterly or as deemed necessary.

D. Board By-Laws

The Bluegrass Workforce Investment Board shall adopt by-laws and then have them accepted by the Bluegrass Executive Committee.

E. Board Actions

Recommendations and other actions of the Bluegrass Workforce Investment Board are not binding on the Board of Directors until adopted by that body or the Executive Committee.

Section 6: Bluegrass Area Water Management Council

A. Council Purpose

The Bluegrass Area Water Management Council shall monitor water and wastewater planning within the District. The Water Management Council shall operate in accordance with KRS 151 and 224A, as revised by the 2000 Kentucky General Assembly; Senate Bill 409.

B. Council Composition

The Bluegrass Area Water Management Council membership shall consist of the county judges/executives within the ADD, the mayors of municipalities that operate either a water or wastewater system within the ADD, the water and wastewater utility managers and/or operators within the ADD and representatives from the health departments within the ADD. The ADD Chair shall name the Council Chair. Other offices shall be elected by the Council.

C. Council Meetings

The Bluegrass Area Water Management Council shall meet as required, but no less than twice annually.

D. Council By-Laws

The Bluegrass Area Water Management Council shall adopt by-laws and then have them accepted by the Bluegrass Executive Committee.

E. Council Actions

Recommendations and other actions of the Bluegrass Area Water Management Council are not binding on the Board of Directors until adopted by that body or the Executive Committee.

Section 7: Administrative Review and Finance Committee

A. Committee Purpose

The Administrative Review and Finance Committee shall review and approve all operating policies and procedures for the District and submit them for approval to the Executive Committee. In addition, the Committee shall work with the Executive Director to develop and monitor the District budget and assist the Executive Director with routine day-to-day business operation decisions. The Administrative Review and Finance Committee shall make nominations for Director Emeritus positions.

B. Committee Composition

The Administrative Review and Finance Committee shall be composed of the four (4) seated officers and at least three other Board directors. The Chair of the Board will serve as Chair of the Committee. The Chair of the Board will recommend those members for approval by the Board of Directors. The Committee members will serve a one year term.

C. Committee Meetings

The Administrative Review and Finance Committee shall meet monthly or as desired. Notice will be given five (5) days in advance. A quorum will consist of a simple majority.

Section 8: Nominating Committee

A. Committee Purpose

The Nominating Committee shall be responsible for presenting a slate of officers at the Annual Board of Directors Meeting. The slate will include a Chair, Vice-Chair, Secretary and Treasurer.

Additionally, the Nominating Committee shall be responsible for the nomination of At-Large Directors.

B. Committee Composition

The Nominating Committee shall be composed of Directors who have exceptional knowledge of the purpose, mission and projects of the ADD. The Chair of the Board shall appoint the members of the Nominating Committee which shall consist of one Judge/Executive, one Mayor, one Citizen Director and one past Officer of the Board. Currently seated Officers shall not be eligible to serve on the Nominating Committee.

C. Committee Meetings

The Nominating Committee shall meet as necessary to agree on the best candidates for office. Notice will be given five (5) days in advance. A quorum will consist of three (3) members.

Section 9: Ad Hoc Committees

The Board of Directors may appoint special purpose or Ad Hoc Committees which shall be terminated at such time deemed appropriate by the Board.

ARTICLE IX

DEPOSITS, DISBURSEMENTS, BOND AND AUDIT

Section 1: Deposits

Deposits to the credit of the ADD of all notes, moneys, valuables, checks, drafts, bonds, and other instruments received by the ADD shall be made in such banks and depositories as the Executive Committee may from time to time designate. All such deposits shall be made in a manner as prescribed by resolution of the Board.

Section 2: Disbursements

Disbursements of funds of the Board for expenditures as generally or specifically authorized or appropriated by the Board shall require the signature of the Treasurer and either the Chair or Executive Director. Those things not receiving prior approval shall receive consideration for post-approval in the manner as prescribed by these By-Laws or Board Resolution.

Section 3: Bonding Required

Any Officer or employee of the Board handling money or securities of the ADD shall be bonded at the Board's expense in the amount as determined by the Board and/or laws of the Commonwealth of Kentucky.

Section 4: Audit

It shall be the duty of the Administrative Review and Finance Committee to appoint a public accountant, not an employee of the Board or a Board member, to examine and audit the accounts of the Bluegrass Area Development District, Incorporated.

ARTICLE X

RATIFICATION, AMENDMENTS, AND EFFECTIVE DATE

Section 1: Ratification

Whenever an Officer, Committee, and/or employee of the Board performs an act and/or function in the name of the Board as may be lawful by these By-Laws, Charter, Laws of the Commonwealth of Kentucky and/or authorization and/or appropriation of the Board, such acts or performance of such functions may be ratified by the Board, if such ratification is specifically required, either at a meeting of the Board or by mail provided that a majority of the entire directorship of the Board place their signatures on a statement of ratification which is mailed to all members of the Board. Ratification by mail may be used upon the approval of the Chair, Executive Committee, and/or Board of Directors. Results of such poll-by-mail shall be recorded in the minutes of the next regular meeting of the Board.

Section 2: Amendments

Amendments to these By-Laws shall be made by adoption by simple majority of the entire membership of the Board of Directors provided such amendments have been submitted to the Executive Committee for review prior to enactment and further provided that all proposed changes are distributed to the entire membership of the Board by first class mail at least seven (7) days prior to the meeting at which said amendments are scheduled to be acted upon. Compliance with this notice requirement only shall require the deposit of said notice in the mail giving the address of each Director as shown on the Official Register.

Adopted by the Board of Directors on January 29, 2010

ratified by the Board; if such ratification is specifically required, either at a meeting of the Board or by mail provided that a majority of the entire directorship of the Board place their signatures on a statement of ratification which is mailed to all members of the Board. Ratification by mail may be used upon the approval of the Chair, Executive Committee, and/or Board of Directors. Results of such poll-by-mail shall be recorded in the minutes of the next regular meeting of the Board.

Section 2: Amendments

Amendments to these By-Laws shall be made by adoption by simple majority of the entire membership of the Board of Directors provided such amendments have been submitted to the Executive Committee for review prior to enactment and further provided that all proposed changes are distributed to the entire membership of the Board by first class mail at least seven (7) days prior to the meeting at which said amendments are scheduled to be acted upon. Compliance with this notice requirement only shall require the deposit of said notice in the mail giving the address of each Director as shown on the Official Register.

Section 3: Effective Date of Adoption

These By-Laws shall be in effect immediately upon adoption by a majority of the County Judge/Executives and Mayors who are directors of the Board. Subsequent amendments to these By-Laws shall become effective immediately upon their adoption by a majority of the entire directorship of the Board as prescribed herein.

Revised and Adopted by the Board of Directors on Friday, January 29, 2010.



CHAIR



SECRETARY



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

JACK CONWAY
ATTORNEY GENERAL

OAG 13-004

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 596-5300
FAX: (502) 504-2894

March 8, 2013

Subject: Involvement of an area development district with an offender re-entry program and relationship of the district to local planning units

Requested by: Representative Susan Westrom
79th District

Written by: James M. Herrick
Assistant Attorney General

Syllabus: An area development district is not an agency of state government for purposes of compliance with local planning and zoning requirements, nor does an area development district have authority to operate an offender re-entry program.

Statutes construed: KRS 100.111(17), KRS 100.361(2), KRS 147A.021(3)(k), KRS 147A.080

OAG's cited: OAG 73-318, OAG 72-366, OAG 73-579, OAG 78-534, OAG 80-472, OAG 80-502, OAG 81-185, OAG 83-460

Opinion of the Attorney General

KRS 147A.050 establishes fifteen (15) area development districts in the Commonwealth, each including multiple counties, to provide assistance to local governments within their geographic areas. Representative Susan Westrom, House District 79, has asked the following questions regarding the authority of an Area Development District:



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1. May the Bluegrass Area Development District (Bluegrass ADD) avoid compliance with the land use and zoning laws of the City of Lexington in purchasing, developing and operating an offender re-entry program by claiming to be an "exempted state agency"?

2. If Bluegrass ADD is a state entity, what information must it provide to the City of Lexington [under KRS 100.361]?

3. Does the Bluegrass ADD have the authority to operate such an offender re-entry program?

We begin with the first question, which requires an interpretation of KRS 100.361.

Relationship of an ADD to local planning units

KRS 100.361(2), which governs construction of planning and zoning laws, provides in part:

Nothing in this chapter shall impair the sovereignty of the Commonwealth of Kentucky over its political subdivisions. Any proposal affecting land use by any department, commission, board, authority, agency, or instrumentality of state government shall not require approval of the local planning unit. However, adequate information concerning the proposals shall be furnished to the planning commission by the department, commission, board, authority, agency, or instrumentality of state government.

The relevant question is whether an area development district ("ADD") is considered a "department, commission, board, authority, agency, or instrumentality of state government" for purposes of this statute.

In our view, the express rationale for the exemption of state agencies from local planning and zoning requirements is that the Commonwealth is sovereign, and thus, when an agency of state government acts, it is the Commonwealth of Kentucky acting. Our analysis, therefore, must focus on whether an ADD is, or is not, the direct instrumentality or alter ego of the Commonwealth.

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Our opinions have at times referred to ADD's as being "agencies of state government" for certain purposes. For example, in OAG 72-366 we opined that ADD's were protected by sovereign immunity. At the same time, however, we noted that an ADD "is an independent and autonomous public corporation exercising a function of state government and is not under the day-to-day control of the Central State Government nor operating on funds drawn from the State Treasury." *Id.*

We have more frequently described an ADD as "a political subdivision of the state."¹ OAG 73-318; OAG 78-534. Although they exist by authority of state law, "they are at the same time units of local government similar in many respects to municipalities by performing local functions as an arm of the state government." OAG 73-579.

In OAG 78-534, in the context of incompatible offices, we stated the following:

Under KRS 147A.080, each board of directors of an area development district represents a somewhat independent and autonomous unit of government. ...

Thus the area development district is not, strictly speaking, an agency of the state; but it is a political subdivision and a unit of local government. ... An area development district performs a purely local function as an arm of state government, but not as a state agency in the narrow technical sense envisioned in KRS Chapter 12 [administrative organization of state government]. In Hogan v. Glasscock, Ky., 324 S.W.2d 815 (1959) 816, the court wrote that "Chapter 12 of the statutes deals with the administrative organization of state government. The departments and agencies governed by Chapter 12 are specified in KRS 12.020. They are integral parts of the executive branch of the state government created by the Constitution or stat-

¹ An ADD obviously would not, however, qualify as a "political subdivision" under the definition in KRS 100.111(17), which limits the meaning of that term to "any city, county, or consolidated local government." Our characterization of the districts as "political subdivisions" in this opinion, therefore, should not be understood as referring to this narrow definition.

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ute to exercise executive and administrative functions on a state-at-large level.["]

....
[An ADD] is a hybrid and does not fit any of those categories envisioned by our constitution.

(Emphasis added.)

Area development districts are regional by nature, in their territorial boundaries, their interests, and their scope of activity, as well as their nomenclature. Since they function as political subdivisions, and not as agencies of the Commonwealth "on a state-at-large level," *Hogan v. Glasscock, supra*, it is our opinion that an ADD should not be viewed as a "department, commission, board, authority, agency, or instrumentality of state government" for purposes of KRS 100.361(2), and thus is not exempt from the authority of local planning units.

Since our answer to the first inquiry is in the negative, the second question is moot. We therefore turn to the third question, whether an ADD has statutory authority to operate an offender re-entry program.

Authority of an ADD to operate a program

The powers of an Area Development District's board of directors are set forth in KRS 147A.080:

- Each board of directors shall have the power and authority to:
- (1) Adopt and have a common seal and alter the same at pleasure;
 - (2) Sue and be sued;
 - (3) Adopt bylaws and make rules and regulations for the conduct of its business;
 - (4) Make and enter into all contracts or agreements necessary or incidental to the performance of its duties;
 - (5) Provide upon request basic administrative, research, and planning services for any planning and development body located within the district;
 - (6) Accept, receive, and administer loans, grants, or other funds or gifts from public and private agencies including the Common-

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wealth and the federal government for the purpose of carrying out the functions of the district;

- (7) Expend such funds as may be considered by it to be advisable or necessary in the performance of its duties;
- (8) Acquire, hold as may be necessary and convenient, encumber, or dispose of real and personal property, except that no board shall have the power of eminent domain;
- (9) Charge fees, rents, and otherwise charge for services provided by the board, except that no board shall have any power to levy taxes;
- (10) Enter into interlocal agreements or interstate compacts to the extent authorized by laws of the Commonwealth. An area development district organization shall be deemed a "public agency" as defined by the Interlocal Cooperation Act in KRS Chapter 65;²
- (11) Promote, organize, and advise special districts or other authorities in accordance with laws of the Commonwealth and act as the regional clearinghouse for such programs and projects as prescribed by federal regulation;
- (12) Perform such other and further acts as may be necessary to carry out the duties and responsibilities created by KRS 147A.050 to 147A.120.

As a general rule, a political subdivision may not exercise powers that are not expressly granted to it by statute. *Pewee Valley Fire Protection Dist. v. South Oldham Fire Protection Dist.*, Ky. App., 570 S.W.2d 290, 292 (1978). For this reason, we opined that an ADD lacked authorization to manage local government funds for investment purposes, OAG 80-472, or to enact ordinances, OAG 80-502. Similarly, in *Northern Kentucky Emergency Medical Services, Inc. v. Christ Hospital Corporation*, 875 S.W.2d 896 (Ky. App. 1993), the Court of Appeals concluded that an ADD could not act as a "legislative body" in support of a license application to provide ambulance services.

In OAG 81-185, this office was asked whether an ADD had the authority to "develop, administer, manage and/or directly operate programs designed

²The definition of "public agency" in KRS 65.020, in harmony with KRS 147A.020(10), includes "any political subdivision" such as an ADD.

OAG 13-004
Page 6

specifically to provide direct service delivery to citizens of the Commonwealth." We stated that the provisions of KRS 147A.080 and 147A.090

only empower the ADDs to engage in the work of program development through administrative, research and planning effort, as described in KRS 147A.080(5). We can find nothing in KRS Chapter 147A that would authorize ADDs to administer, manage, implement or directly operate such programs once developed. Such powers would require new legislation.


Thus, we concluded that an ADD lacks the authority to operate a program providing direct services to citizens.

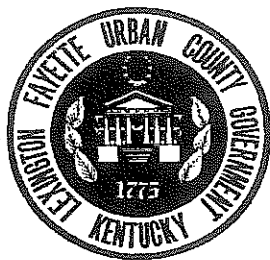
Subsequently, a 1982 enactment, now codified as KRS 147A.021(3)(k), made reference to "memorandums of agreement with the area development districts to provide management assistance to local governments." We therefore revisited the powers of an ADD and concluded that this new provision "would encompass a local government requesting administrative services from an area development district," so that the ADD could indeed "provide management assistance to local governments" pursuant to a memorandum of agreement. OAG 83-460.

Providing management services at the request of a local government, however, is entirely different from independently operating an offender re-entry program. Accordingly, it is our opinion that the conclusions of OAG 81-185 would still apply to this situation, while KRS 147A.021(3)(k) would not. An area development district would therefore lack statutory authority to operate such a program, on its own or on behalf of any other entity, except on behalf of a local government which had requested its assistance through a memorandum of agreement.

OAG 13-004
Page 7

Jack Conway
Attorney General


James M. Herrick
Assistant Attorney General



Lexington-Fayette Urban County Council

TO: George Myers, Councilmember
8th District

FROM: Paul Schoninger
Research Analyst

DATE: May 16, 2012

SUBJECT: Relationship between LFUCG and BGADD

This is pursuant to your recent request for information pertaining to the issue of the relationship between the Lexington-Fayette Urban County Government (LFUCG) and the Bluegrass Area Development District (BGADD).

In the first memo I addressed the issue of payments from LFUCG to BGADD for annual dues, local grant match and services provided by the BGADD. In this memo I'll attempt to address the issue of the relationship between Lexington Fayette Urban County and the BGADD.

The Bluegrass Area Development is one of 15 Area Development Districts in Kentucky. The ADDs were established by the Kentucky General Assembly in 1972. They were designed to be a regional support entity to cities and counties within their boundaries. They provide technical support, regional planning services, grant writing, human services economic development assistance and a variety of other areas of support. As discussed in the previous memo the BGADD provides substantial mapping/GIS assistance for Lexington-Fayette particularly regarding consent decree activities.

The BGADD encompasses a 17-county area in Central Kentucky, including Anderson, Bourbon, Boyle, Clark, Estill, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott, and Woodford in addition to Lexington-Fayette County.

The BGADD annual budget for FY 12 is \$ 27.8 million. In FY 11 the actual expenditures were \$ 25.4 million with an end of year fund balance of \$ 2.2 million.

The Bluegrass ADD is governed by a 75-member Board of Directors and a 17-member Executive Board. The Board establishes policy and makes rules and regulation for the conduct of its business. In addition there are numerous advisory committees that aid in its policy and decision making process.

George Myers, 8th District Councilmember
 May 17, 2012
 Relationship Between LFUCG and BGADD
 Page Two

The Board of Directors and Executive Board establish the policies and make rules and regulations for the conduct of the BGADD business. The 75-member full Board includes seven (7) members from Fayette County all appointed by Mayor Gray. The full board meets quarterly. The 17-member Executive Board includes one representative from Lexington-Fayette County, Mayor Gray. The Executive Board meets 8 times a year, generally monthly in the months where there is not a full board meeting.

According to records obtained from the BGADD attendance for the Lexington- Fayette County contingent is very poor. During CY 11 and CY 12 to date only one member, Fayette County Judge/Executive Jon Larson has attended any Full Board meetings. During that same time period Mayor Gray has not attended any Executive Board meetings. On a few occasions, Mayor Gray has sent representatives however (membership & attendance records for 2011-present attached).

There has been a long standing uneasy relationship between Lexington-Fayette County and the Bluegrass Area Development District. While we may receive few direct benefits from the BGADD, Lexington-Fayette County is the geographic and economic center of the region as well as being the largest population jurisdiction in the district. However to be a true regional partner and if we hope to affect change within the BGADD we should be willing and able to participate in the decision making apparatus.

While much of the focus on the BGADD is on the more rural areas within its boundaries, the BGADD without Lexington-Fayette would be less than the true Bluegrass region of central Kentucky. According to its mission, The BGADD strives to be a collaborative means with which to deal with problems their beset their communities. It serves as a forum, a technical center, a clearinghouse and as a convener for the region. By its nature it's a systemic link between local leadership, the State & federal government and to some extent private organizations.

It appears that all Board members representing Lexington-Fayette County could be subject to removal due to poor attendance according to the BGADD by-laws. I don't think the BGADD wants to pursue removal but they should expect that Fayette County, being the leader in the region, would participate in its decision making structure.

My one recommendation is that if Lexington-Fayette County wishes to affect change within the BGADD we should participate to the every extent possible, including the full Board, Executive Board, Finance Committee, and their numerous advisory committees. If the members who represent Fayette County on the BGADD Board can't or won't attend to their Board duties you might want to consider starting the process of replacing those members.

George Myers, 8th District Councilmember
May 17, 2012
Relationship Between LFUCG and BGADD
Page Three

I have attached numerous related materials for your review that you may find useful including:

1. FY 11 BGADD Annual Report;
2. BGADD By-laws
3. FY 12 BGADD Operating Budget
4. Enabling Legislation KRS 147A-050- 147A1.400
5. FY 13 BGADD Local Contributions
6. BGADD Board Attendance Records for Fayette County Membership

Should you need any further information please do not hesitate to contact via e mail at Paulas@lexingtonky.gov, or at 258.3208.



Paul Schöninger
Research Analyst

c: Elizabeth Chatterton w attachments
Jenifer Benningfield w attachments

General Government Committee

August 13, 2013

HUMAN RESOURCES IN LFUCG

ORGANIZATION

- FY 2008 - FY 2011 – Human Resources was housed in the Finance and Administration Department.
 - June 23, 2011 – Council passes Ordinance No. 69-2011 placing Human Resources in the Law Department.
 - Rationale – Natural connection due to the many state and federal employment laws; communication on the front end may avoid subsequent legal issues.
-

Law/Human Resources Accomplishments

July 1, 2011 to present

- Drafting, lobbying testifying and passage of House Bill 390 in the 2013 General Assembly – reforming Civil Service hiring – **first change of this sort in 17 years.**
 - Drafting and passage by Civil Service Commission of new regulations to implement HB 390.
-

House Bill 390

Transforms LFUCG's Civil Service Hiring Process

Lexington's Civil Service Process History

- Our hiring process is controlled by state statutes – not controlled locally.
 - The original hiring statutes were passed in 1974.
 - From 1974 - 1996, LFUCG was a “Top 3” system.
 - In 1996, we changed to a “Top 5” system.
 - HB 390 changes LFUCG to a “qualifying system” and updates our military preference.
-

Why did we want to change our current hiring process?

- Feedback from Hiring Managers and candidates.
 - Top 5 system too restrictive.
 - Hiring Managers felt some highly qualified candidates not making the Top 5.
 - Candidates not making the Top 5 list felt process too restrictive.
 - Perceived elements of subjectivity in the Top 5 ranking process.
-

What does HB 390 mean for LFUCG?

- Hiring Managers will now receive a list of all qualified applicants, instead of a list of the top 5 applicants that have been certified.
 - Hiring Managers will have a broader applicant pool, while maintaining the minimum qualifications for all job categories.
 - All candidates who meet the minimum qualifications for the job will be on the list of possible candidates for hire.
-

Practical Effects of these Changes

- Gives hiring managers more authority in the hiring process.
 - Hiring Managers may receive a larger list of applicants and applications to review.
 - Hiring Managers will no longer be restricted to only interviewing the top 5 in a ranked list.
-

Interviews

- If the certified list equals or exceeds five (5) applicants, a minimum of five (5) interviews will be conducted, with the following parameters:
 - If the number of applicants with military preference points equals or exceeds three (3), interview no less than three (3) of these applicants
 - If the number of applicants with internal preference points equals or exceeds three (3), interview no less than three (3) of these applicants
-

Additional Accomplishments

- CHIPS rewards program – projected to be officially launched on August 19th – will provide employee rewards for healthy living.
 - Changed voluntary benefit services to a competitive process through the issuance of RFPs.
 - Initiation of a Compensation Study for LFUCG.
-

Accomplishments – Cont'd

- Review and Revision of LFUCG Cafeteria Plan.
 - Posting of cafeteria plan and other benefit documents on the LFUCG Intranet to promote employee education through access and transparency.
 - Reinstitution and coordination of Employee Service Awards Program.
 - Legal review of employee benefit options.
 - Institution of onsite pharmaceutical delivery from Wellness Center pharmacy.
-

Accomplishments – Cont'd

- Negotiation with YMCA to keep same employee rate for calendar year 2013.
 - Since July 1, 2011, HR has coordinated the hiring of 4 Police Classes and 4 Fire Classes and numerous hiring processes at Corrections.
 - Reorganization of the Division.
-

Questions?

AN ACT relating to urban-county government civil service.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

⇒Section 1. KRS 67A.240 is amended to read as follows:

- (1) The civil service commission shall prescribe and propound such said examinations as are proper, commensurate with vacant positions within the various departments of the urban-county government, according to classification prescribed by ordinance, shall set such times and places for holding examinations as may be proper and shall give public notice of vacancies by publication pursuant to KRS Chapter 424, and shall give actual notice to all eligible applicants of time and place of examinations. Provided, however, that the civil service commission may prescribe and propound job descriptions which reasonably establish minimum qualifications and standards for eligibility to take such examinations, but in no event shall such job descriptions be a subterfuge for the evasion of the requirement that employment be determined on the basis of the principles set out herein.
- (2) The civil service commission shall, as soon after examinations as is practicable, certify to the appointing authority, a list of the applicants so examined, with the one having the highest average ranked first, and all others ranked numerically according to the result of the examination. After the compilation of such a list the commission may provide for further, substantially identical examinations, given on the same basis as the original examination, to supplement the list so compiled, and the results of each such subsequent examination shall be consolidated with the results of the prior examinations to provide an eligible list from among all of those who have taken such several examinations.
- (3) Every soldier, sailor, marine, members of the air forces, Army Nurses Corps and members of other branches of the military services and Red Cross nurses who served during a period of hostilities between the United States and another power in World War II, ~~or~~ the Korean or Vietnam conflict, the Persian Gulf War,

Operation Iraqi Freedom, or Operation Enduring Freedom, who has not been dishonorably discharged, and who is an applicant for any position of civil service of the urban-county government shall be entitled to five percent (5%) increase on his examination mark on entrance into civil service employment.

- (4) The civil service commission of urban-county governments shall maintain an eligible list of all individuals who, based on the outcome of examinations, are qualified~~[not less than five (5)]~~ for each position to be filled.
- (5) The legislative body may designate certain civil service positions and prescribe that for such positions the examinations shall first be given exclusively to current employees; provided, however, that if no employee with a minimum of six (6) months' seniority achieves a passing grade, an examination shall be held in accordance with subsection (1) of this section, and shall be held, if less than five (5) such persons achieve a passing grade if the appointing authority so determines.
- (6) Upon the approval of the civil service commission, the appointing authority may promulgate administrative regulations to carry out the provisions of this section.

⇒ Section 2. KRS 67A.270 is amended to read as follows:

- (1) The appointing authority shall make all civil service appointments, and the appointments shall be made only from the list of applicants certified by the civil service commission after examination. Appointments shall be made only by the selection of one (1) applicant from the list~~[of the five (5) holding the highest averages in the particular class and grade wherein the vacancy exists]~~, except as provided in subsections (6) and (7) of this section.
- (2) Whenever it is imperative to fill a vacancy in classified civil service before the commission can certify a list off~~[as many as five (5)]~~ persons eligible for appointment after competitive examination, the appointing authority shall nominate a competent person from the same class or next lower rank to the commission and if certified by the commission as qualified he may be appointed temporarily to fill the

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vacancy until an appointment can be made after competitive examination. Temporary appointments hereunder and under subsection (3) hereof shall continue only until a regular appointment can be made from the eligible list prepared by the commission.

- (3) In the circumstances described in subsection (2) hereof, when no one upon the eligible list, or by promotion from the same class or the next lower rank is available, competent and qualified, a temporary appointment may be made by the appointing authority without examination. In no case shall appointment hereunder or under subsection (2) hereof continue longer than ninety (90) days; and in no case shall successive appointments be made of the same person or other persons, to such vacancies, except hereunder or under subsection (2) of this section.
- (4) Where the service to be rendered by an appointee in the classified service is for a temporary period as provided herein, the appointing authority shall select for that temporary service a person on the list of those eligible for permanent appointment, if such person accepts such appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.
- (5) Temporary appointments made by reason of these provisions, made necessary by reason of illness or disability of regular employees, may continue during such period of disability, but shall continue only during such period of disability and in no case longer than nine (9) months. No other temporary appointments other than those provided for herein may be made, except that seasonal appointments may be made for periods not in excess of six (6) months.
- (6) Seniority, in the executive unit in which the vacancy occurs, and seniority in the

level or rank of employment nearest the level or rank in which the vacancy occurs, shall each be given material consideration in filling such vacancies as shall occur in the classified civil service. Within six (6) months after June 21, 1974, or within six (6) months after the effective date of the urban-county government, there shall be established by comprehensive plan or ordinance (which function may be delegated to the commission, or to the executive unit charged with personnel matters subject to the control of the commission), a plan which in definite terms complies with this subsection. The said plan may be amended from time to time in accordance with the comprehensive plan or ordinance, but the effective date of any alteration therein shall be no sooner than 180 days after its adoption. Such plan shall provide for and describe in reasonable detail the circumstances, if any, under which the seniority described therein shall be the sole criteria for promotion, and the circumstances in which it will not, and in the latter case, shall provide a reasonably definite method by which applicants shall be entitled to an increase on their examination or evaluation scores by reason of such seniority, the relative importance of each such type of seniority in such determination, and the percentage increase in such scores for such seniority. The Circuit Court of the county in which the urban-county government is located shall have jurisdiction to determine the reasonableness of such plan and alterations thereto, and its compliance with the principles set out in this subsection.

- (7) In case of vacancy in the classified service, where peculiar and exceptional qualifications of a particular professional or educational character are required, upon satisfactory evidence that for reasons stated in writing by the appointing authority the commission may suspend the provisions requiring competitive examination under civil service.

~~(8) No person shall be certified by the commission from an eligible list more than five (5) times to the same appointing authority for the same or similar positions.~~

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(9) The legislative body may by ordinance provide that any person who successfully completed his probationary period and subsequently ceased working in a position in the classified civil service, for reasons other than dismissal, may be restored to the office or position he formerly held if he so requests in writing to the appointing authority. Such person shall be eligible for reinstatement for a period of one (1) year following separation from the service and shall be reinstated only with the approval of the appointing authority.

RESOLUTION 01-2013

A RESOLUTION OF THE CIVIL SERVICE COMMISSION
APPROVING REGULATIONS PROMULGATED TO IMPLEMENT
THE PROVISIONS OF HOUSE BILL 390 PASSED DURING THE 2013
REGULAR SESSION OF THE KENTUCKY GENERAL ASSEMBLY

WHEREAS, the provisions of Lexington-Fayette Urban County Government's civil service system are primarily controlled by state statutes; and

WHEREAS, KRS 67A.240 et seq. contains LFUCG's current statutory requirements related to civil service hiring; and

WHEREAS, during the 2013 regular session of the Kentucky General Assembly, the General Assembly passed House Bill 390 which substantially changes LFUCG's civil service hiring system; and

WHEREAS, House Bill 390 changes LFUCG's Civil Service system from a "top five" system to a "qualifying system" and also updates LFUCG's military preference; and

WHEREAS, House Bill 390 also provides that upon approval of the Civil Service Commission, the appointing authority may promulgate administrative regulations to carry out the provisions of the new legislation; and

WHEREAS, the Appointing Authority has promulgated the regulations set forth below to implement the provisions of House Bill 390.

NOW THEREFORE, BE IT RESOLVED BY THE LEXINGTON-FAYETTE URBAN COUNTY CIVIL SERVICE COMMISSION, AS FOLLOWS:

The Civil Service Commission recognizes the statutory changes that have occurred via House Bill 390 and, in accordance with same, implements the new

legislation as follows:

1. The Civil Service Commission shall no longer certify a list of only the top five applicants, but instead will certify a list of all applicants who meet the minimum qualifications for the position.
2. The Appointing Authority may discontinue the use of test plans, external panels or other skills testing that are used to determine rank since a different ranking technique will now be used.
3. The methodology for ranking applicants shall no longer include an education component. Instead, the ranking shall be based upon total years of occupational experience instead of individualized scrutiny of each component of prior occupational experience.
4. The ranking order of applicants shall include added military and internal preference points as currently administered.
5. A minimum of five interviews shall be conducted for all positions in which there are five or more applicants on the list certified by the Commission, and shall also include the following parameters:
 - a. If the number of applicants with military preference points equals or exceeds three (3), the hiring manager shall interview no less than three (3) military applicants;
 - b. If the number of applicants with internal preference points (as defined by KRS 67A.270(6)) equals or exceeds three (3), the hiring manager shall interview no less than three (3) internal applicants.

APPROVED BY THE CIVIL SERVICE COMMISSION:

Dore Winters
CHAIR

DATED: 6/19/13

Attest: Daniel N Fischer
Daniel Fischer, Secretary



Naming and Donation Guidelines

Lexington-Fayette Urban County
Government Parks and Recreation



Outline of Draft

1. Donation Guidelines outlines the overall strategy for recognizing monetary gifts.
2. Naming Policy outlines policy for parks and facilities over \$50,000.

Giving Level Standards

- LFUCG giving levels are as follows:

Up to \$500	Letter of Recognition
\$501 - \$2,500	Off-Site Recognition
\$2,501 - \$5,000	Temporary Sign
\$5,001 - \$10,000	Integrated Sign
Over \$10,000	Plaque or Permanent Marker
- Recognition will also incorporate benefits from the preceding giving levels.

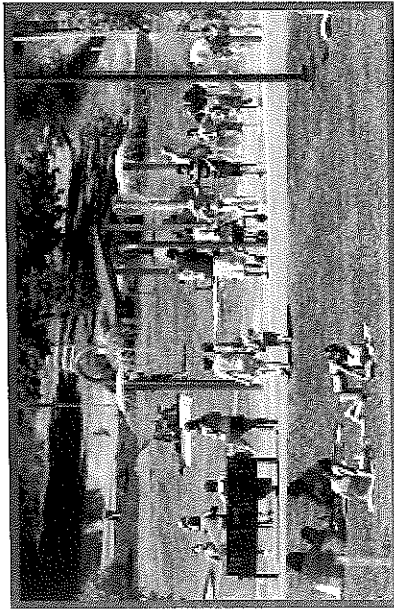
Highlighted Changes:

Donations

- Catalog
 - Parks may devise a digital catalog to raise funds for specific park-related needs.
 - Catalog programs shall include a price list and description of a variety of items.
 - A catalog would allow Parks to:
 - Display the assessed value of advertising via Parks
 - Showcase ongoing Parks projects in need of funding
 - Showcase future projects in the fund-raising stage

Wenatchee, Wa. Catalog

Rotary Park



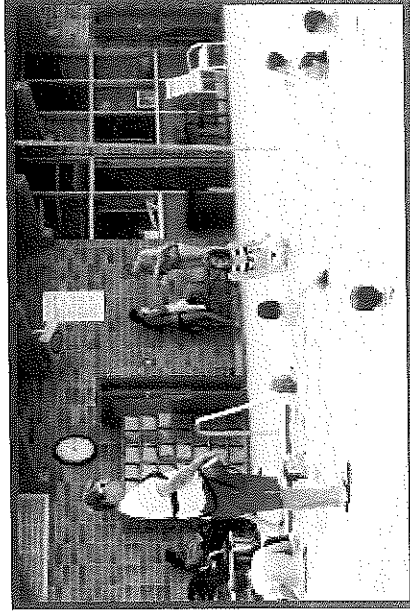
1810 Maple Street

Rotary Park is an 8 acre parcel acquired in 1997. It has been developed through a partnership with the Rotary Club. The park features a disc golf course, picnic shelter, walking trail, children's play equipment and splash pad.

JUST FOR ROTARY PARK:

Category	Item	Price
101	Specimen tree	\$300
103	Entrance beautification	\$1,000
200	Play area sign	\$250
201	Park rules sign	\$250
204	Park entry sign	\$800
300	Trash receptacle	\$1,000
301	Bench	\$1,400
302	Picnic table	\$1,800
303	Bicycle rack	\$400
305	Park lighting	\$60,000
317	Recycle container	\$1,000
332	Skate Feature	\$5,000

Pioneer Park



220 Fuller Street

Pioneer Park is a 7 acre park that was acquired between 1908 and 1919. It features the a skate court, picnic area, children's play equipment, outdoor fifty meter pool, wading pool, and large open grassy areas with shade trees.

JUST FOR PIONEER PARK:

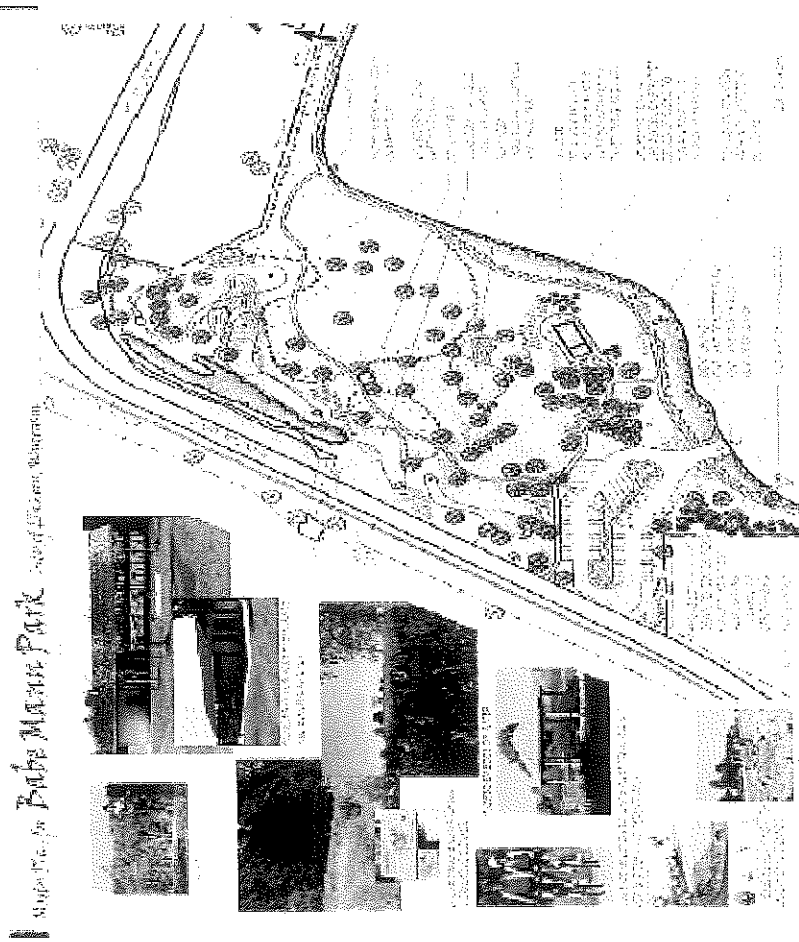
Category	Item	Price
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200	Play area sign	\$250
201	Park rules sign	\$250
204	Park entry sign	\$800
300	Trash receptacle	\$1,000
301	Bench	\$1,400
302	Picnic table	\$1,800
303	Bicycle rack	\$400
305	Park lighting	\$60,000
308	Park fencing	\$28/ lineal foot
309	Play equipment	\$65,000
310	Basketball standard	\$2,300
317	Recycle container	\$1,000

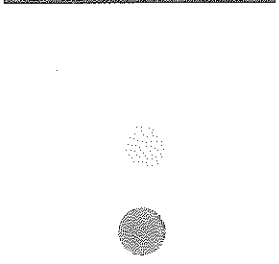
Babe Mann Park Master Plan - \$1.1 million (projects can be phased)

This park is located in the southeastern part of the City in the industrial park. The park is very near the trail head of the White River State Trail and the City is currently working on a connection to this facility. The park overlooks 27 acre Lake Elkhorn. The Plan provides opportunities for many donations, including the following specific projects:

1. Construction of handicapped accessible fishing pier.
2. Construction of a new pavilion.
3. Construction of a gazebo.
4. Installation of a 4 hole disk golf course.

Map of the City of Elkhorn showing the location of Babe Mann Park.





Partnership Organizations & Adoption Programs

- Parks will recognize in-kind donations in the same manner as direct monetary contributions.
- Partner organizations will be recognized for their contributions on an annual basis, rather than based on individual donations.

Highlighted Changes: Naming Rights

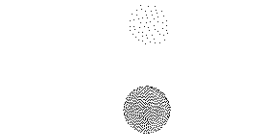
- Naming donated **land** may be considered when appraised value is greater than \$500,000 or donated land represents at least 66% of the area of a particular park.
- Naming of donated **features** may be considered for donations of \$100,000 or greater or where the donation represents at least 66% of the feature's construction or acquisition cost.

Highlighted Changes: Naming Rights

- Pending Council approval, Parks may utilize a 10-year naming contract for park lands and features.
 - Contract can be extended with subsequent gifts to offset costs and upkeep
- Annual monetary and/or in-kind donations may be recognized for naming rights if they reach the stated naming rights thresholds.
- Non-Profits, Partner Organizations, and extraordinary volunteer efforts along with other in-kind donations can be recognized for their annual or long term gifts.
- Renaming of a park, facility, or feature will be discouraged.

Naming Approval Procedure

- The process for all naming requests shall be initiated and reviewed by the Division of Parks and Recreation.
- Director of Parks & Recreation will forward a recommendation to the Commissioner of General Services.
- The Commissioner of General services will provide a recommendation to the Mayor's Office.
- Mayors Office will present a recommendation for Council's consideration and approval.



Questions?

Lexington Fayette Urban County Government

Donation Guidelines

DRAFT

8/7/13

1. INTRODUCTION

The Lexington Fayette Urban County (LFUCG) Division of Parks and Recreation recognizes the enormous value of direct community support. Lexington parks are very fortunate to receive support from hundreds of community members who regularly give time, money, property, and individual expertise to help ensure the parks system continues to thrive and provide vital benefits and quality of life for Lexington residents. Whether through foundations, corporations, non-profit organizations, service clubs, or as individuals, these community members work to augment park development, maintenance and improvement program budgets adopted annually by the Urban County Council.

2. GOALS

The goals of LFUCG in accepting donations and/or honoring service to our community are:

- To encourage investments of funds and in-kind donations from diverse sources to enhance LFUCG's ability to provide the highest quality parks system to Lexington citizens as well as impress upon visitors that may consider relocation.
- To preserve the character of the Bluegrass that makes Lexington unique for its residents and visitors.
- To ensure that donors are treated with consistency and fairness.
- To recognize outstanding service to our community.
- To remain consistent with our community's values and traditions.

3. GUIDELINES

These guidelines shall apply equally to donors and/or people and organizations that have served our community through their time and efforts. Exceptions to these guidelines may be made only by the Commissioner of the LFUCG Department of General Services.

4. DONATIONS

To make a donation, anyone may contact the Division of Parks and Recreation for consideration. Information is available online at www.lexingtonky.gov or by calling 288-2960.

Donations will be reviewed by staff for consistency with these guidelines. Donations will be reviewed in a timely manner, typically within 60 days of submission. The Division of Parks and

Recreation retains the right to accept or deny any donations, except as described in *Appendix A, Naming Policy for Park Lands, Features and Facilities*. Special requests or appeals may be submitted in writing to the Division of Parks and Recreation Director.

5. GENERAL DONATION CRITERIA

Donations shall be consistent with the following criteria:

- a) Donations typically must complement the needs of a specific park or facility regarding use, management or improvement of the park or facility unless otherwise approved by Urban County Council.
- b) In the absence of an adopted plan or prioritized list of approved projects for a particular location, donation requests must demonstrate consistency with the customary use and/or the future use of the location, as determined by LFUCG Division of Parks and Recreation staff review.
- c) Donations shall include the true cost of donated items including staff time, labor, materials, and permits used in procurement and establishment of the donation.
- d) Corporate donations are encouraged but shall not constitute an endorsement of or by the LFUCG Division of Parks and Recreation. Donations implying or suggesting commercial advertising or solicitation will typically not be accepted.

6. RECOGNITION OF DONATIONS

It shall be the goal of the Division of Parks and Recreation to recognize all donations in one or more forms according to these guidelines. In order to protect park resources, values, and the experience of park users, methods of recognition and utilization of contributions shall fully respect the function, public values, needs, master plans, and priorities of park property and facilities.

Such recognition and utilization of contributions shall be appropriate to the character of each individual park, shall not detract from park users' experiences or expectations or impair the visual properties of the park environment, shall not be perceived as advertising or commercializing the park, and shall not create a feeling or perception of proprietary interest.

- a) In the interest of equal treatment of donors, recognition of donations shall be made in accordance with standardized giving levels (as outlined on page 3 of these guidelines).
- b) All on-site recognition shall be subordinate to, and harmonize with the characteristics of a park or facility and surroundings, and shall not inhibit routine park maintenance, use and enjoyment or detract from the park's values or interpretive message.
- c) In all forms of recognition, a donor's wishes for anonymity shall be respected.
- d) Corporate tag lines or marketing messages shall not be permitted on any form of recognition.

- e) Naming for Urban County Government parks or features shall be administered according to a Naming Policy (see Appendix A).
- f) Individuals or Entities that reflect values contrary to those of LFUCG shall not be recognized. If in question, determination shall be made by Council.

7. GIVING LEVEL STANDARDS

Recognition of donations through the above-listed methods shall occur according to the following giving level standards. Each giving level may include one or more forms of recognition where appropriate. Standards may be refined or modified through a pre-determined donation program, fundraising campaign, or partnership agreement developed and administered by, or in cooperation with LFUCG.

LFUCG giving levels are as follows:

Up to \$500	Letter of recognition
\$501 - \$2,500	Off-site recognition
\$2,501 - \$5,000	Temporary sign
\$5,001 - \$10,000	Integrated sign
Over \$10,000	Plaque or permanent marker

*Recognition will also incorporate benefits from the preceding giving levels

8. METHODS OF RECOGNITION

Letter of Recognition

A letter of recognition and thanks will be sent to all donors. The letter will acknowledge the amount of the gift, the donor, special circumstances that apply, and the date of acceptance. The letter will serve as evidence of the gift for the purpose of the donor's tax records. The letter will not attempt to value non-monetary gifts.

Off-Site Recognition

New and innovative methods of off-site recognition will continually be developed to honor the generosity of community donors. Examples include:

Website Donor List – Donors may be listed on the LFUCG website to recognize and appreciate donor contributions.

Social Media – Donors may be given recognition on LFUCG's social media platforms.

Other Publications – Printed materials such as calendars, maps, guides, books and brochures may include recognition of an underwriting sponsor, or, as appropriate, credit contributions towards a specific park, feature, facility, or program.

On-Site Recognition

Temporary Signs – Temporary signs may be used to acknowledge donor contributions on-site for a period of no longer than a year. Temporary signs shall be uniform, of appropriate design and scale, and clearly indicate the Division's recognition of the donor's contributions.

Integrated Signs – Recognition of donor contributions may be considered on certain directional, interpretive, and informational signs. Recognition shall be clearly and substantially subordinate to the sign's intended message or information.

Permanent Plaques – Permanent plaques may be permitted only with the approval of the Director and may be proposed only for significant contributions (time, money, land, etc.) providing exceptional, long-term benefit to a park or facility. Permanent recognition plaques shall be placed only in developed areas in conjunction with existing facilities (e.g., visitor center, parking area, environmental education center, entry area, etc.) and shall be consistent with the character and features of the park as determined by Division of Parks and Recreation staff.

Interpretive Programs – Recognition may include mentioning a donor's contribution during selected interpretive programs, events, or materials.

9. NAMING

A complete naming policy for park lands, features or facilities with a market value equal to or greater than \$50,000 is outlined in Appendix A of the Division of Parks and Recreation Donation Guidelines.

10. RECOGNITION OF MEMORIAL GIFTS

Memorial donations (gifts made in memory of a deceased person) shall stay consistent with the LFUCG Parks and Recreation giving levels that have already been determined.

11. EXISTING ON-SITE RECOGNITION

Donor recognition and memorials established prior to the enactment date of this document shall be allowed to remain until such time as they are removed or replaced in accordance with these guidelines.

12. CATALOG PROGRAMS

Catalog programs may be developed to raise funds for specific park-related needs. Catalogs may offer a variety of items such as picnic tables, benches, trees, shrubs, perennials, and building materials at a pre-determined donation amount. Catalog programs shall be reviewed and approved by the Division of Parks and Recreation Director for content, methods, and adherence to these guidelines prior to establishment. Catalog programs shall include a price list and description of a variety of items. All prices must include necessary maintenance costs.

Catalogs could include the assessed value of visibility during Parks programming, banners, appearances and other such opportunities offered by the Division of Parks and Recreation. Packages of these opportunities could also be included in catalogs.

Catalog programs may be extended in the future to include a list of top priority projects that would require additional funding to complete.

13. PARTNERSHIPS/ADOPTION PROGRAMS

The Division may elect to enter into a partnership with other organizations for purposes of soliciting donations for a specific program, project, or event. Partnerships represent a special

relationship in which the Division and partner organization(s) cooperatively pursue a common goal for community benefit supporting the mission of the Division of Parks and Recreation. A written agreement shall be drafted and signed by both parties prior to dedication of significant Urban County resources such as funding or staff time. The agreement shall establish the goals, expectations, commitments and obligations, roles, time line, and specific outcomes, and other pertinent information for the partnership. Recognition of partner organizations' contributions shall follow guidelines for donor recognition as established in this document, unless otherwise stated in the partnership agreement.

Adopt-a-Park, Adopt-a-Trail, and other adoption programs provide significant community support of specific parks and facilities through volunteer labor or other donations in exchange for recognition of this support. Adoptions shall be documented in a signed agreement, and may be recognized through a sign located at the place of adoption for the duration of the adoption. Adoption signs shall be consistent with park sign design standards, and shall be subject to the approval of the Division of Parks and Recreation Director.

The Division of Parks and Recreation recognizes that in some cases it may be more beneficial for partner organizations to directly pay for pre-determined needs, rather than giving a monetary donation to Parks for the service. Parks will encourage and recognize these gifts in the same manner as monetary contributions.

Partner organizations will be recognized for their contributions on an annual basis, rather than based on individual donations.

APPENDIX A

NAMING POLICY FOR PARK LANDS, FEATURES AND FACILITIES

This policy does not apply to park lands, features or facilities of fair market value less than \$50,000. Those park lands, features or facilities of fair market value less than \$50,000 are subject to recognition based on the giving level standards found on page 3 of the LFUCG's Donation Guidelines.

1. INTRODUCTION AND PURPOSE

The Lexington Fayette Urban County Government (LFUCG) Division of Parks and Recreation shall oversee the naming of park lands, features and facilities within the Lexington parks system, with the exception of certain large buildings such as community centers and aquatic facilities. To ensure fair and consistent application of naming, all park lands, features and facilities requiring naming, or for which formal naming is requested, shall be evaluated and processed in accordance with these guidelines.

2. GOALS

The goals of LFUCG in accepting donations are:

- To encourage investments of funds and in-kind donations from diverse sources to enhance LFUCG's ability to provide the highest quality parks system to Lexington citizens as well as impress upon visitors that may consider relocation.
- To preserve the character of the Bluegrass that makes Lexington unique for its residents and visitors.
- To ensure that donors are treated with consistency and fairness.
- To recognize outstanding service to our community.
- To remain consistent with our community's values and traditions.

3. JURISDICTION

The establishment of formal legal names of permanent real property owned by the LFUCG, including parks, requires legislative action and cannot be accomplished through administrative action. Only the Urban County Council retains the authority to carry out legislative action to establish legal names. Features or distinct areas within parks, however, such as picnic structures or gardens, can be named through administrative action.

4. NEW PROPERTY AND FEATURES

As new property is acquired and new features are constructed, the LFUCG Division of Parks and Recreation typically establishes a name based on one or more of the source criteria listed below.

- **Adjacent Street** - Names referencing an adjacent street.

- **Geography** – Names referencing geographical characteristics of an area near the park or facility, with consideration being given to archeological, geological, topographical, botanical, zoological, or human-made geographical characteristics. Geographical names shall reference features expressing timeless qualities likely to maintain name appropriateness over time.
- **History** - Names referencing a historic person, place, culture, or event associated with the land or facility.
- **Subdivision/Neighborhood** - Names referencing the surrounding neighborhood or subdivision comprising a significant portion of the park service area.

5. RECOGNITION NAMING

Naming park land or features in recognition of a person, group or entity shall be considered in accordance with our community's values and traditions as well as one or more of the following criteria:

- **Donor** - Names referencing a donor, or a name suggested by a donor, may be considered in exchange for significant contributions that benefit the division's long term development goals. Naming of land, where the land itself is donated, may be considered where the appraised value of the donated land is \$500,000 or greater or where the donated land represents at least 66% of the area of a particular park. Naming of donated features constructed using donated funds, may be considered for donations of \$100,000 or greater or where the donation represents at least 66% of the feature construction or acquisition cost.
 - The division recognizes that in some cases, it may be beneficial to utilize a 10-year agreement for naming features or park lands, which can be extended with subsequent gifts to offset costs and upkeep.
 - Annual monetary and/or in-kind donations may be recognized over a period of time if they meet requirements and reach the above thresholds.
- **Honoring a Deceased Person** – Park lands and features may be named to honor a person who has been deceased for at least two years to recognize an extraordinary service or gift to the community.
- **Group Recognition** - Park lands and features may be named to recognize an organization or group for extraordinary gifts or service to the community.
 - Non-Profits, Partner Organizations, and extraordinary volunteer efforts along with other in-kind donations can be recognized for their annual or long term gifts.

Individuals or Entities that reflect values contrary to those of LFUCG shall not be recognized. If in question, determination shall be made by Council.

6. RENAMING PROCEDURES

In order to respect the historical tradition and community values which previous generations bestowed on these resources, the renaming of a park, facility or feature will be discouraged.

However, requests for renaming may be made by citizens or organizations and should be directed to the LFUCG Division of Parks and Recreation. Such requests will need the support of the Parks Advisory Board to be considered by the Urban County Council who has ultimate approval authority.

7. NAMING APPROVAL PROCEDURES

The process for all naming requests and proposals shall be initiated by the Division of Parks and Recreation. Requests shall be reviewed by Division of Parks and Recreation staff with recommendation to the Director. The Director of Parks and Recreation shall forward a recommendation to the Commissioner of General Services. Upon review, the Commissioner of General Services will provide a recommendation to the Mayor's Office. The Mayor's Office may present a recommendation for Council consideration and approval.

General Government Committee Referrals

Item	Referred By	Date Referred	Status
Relationship with the BGADD	Myers	04/12/2012	6/4/13
Procedure for Underwriting or Sponsoring one of our Facilities or Parks	Gorton	03/06/2013	6/4/13
Moving Human Resources from the Department of Law to the Office of the CAO	Gorton/Link	06/20/2013	
Usage Agreements with the Division of Parks and Recreation and Athletic Groups that Partner with them	Akers	07/02/2013	